

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ANGELO LENELL DAVIS,</b>	:	<b>CIVIL ACTION NO. 1:16-CV-370</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>PA DEPARTMENT OF</b>	:	
<b>CORRECTIONS, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 19th day of December, 2018, upon consideration of the report (Doc. 13) of Magistrate Judge Joseph F. Saporito, Jr., issued following review of the complaint (Doc. 1) of *pro se* plaintiff Angelo Lenell Davis (“Davis”) pursuant to 28 U.S.C. § 1915A(a), wherein Judge Saporito recommends the court dismiss Davis’s complaint as legally frivolous and for failure to state a claim for which relief may be granted, see 28 U.S.C. § 1915A(b)(1), and it appearing that Davis has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P.

72(b), advisory committee notes, and, following independent review of the record, the court being in agreement with Judge Saporito's recommendation, and concluding that there is no clear error on the face of the record, and further concluding that leave to amend would be futile as Davis's complaint is legally rather than factually deficient, it is hereby ORDERED that:

1. The report (Doc. 13) of Magistrate Judge Saporito is ADOPTED.
2. Davis's complaint (Doc. 1) is DISMISSED as legally frivolous and for failure to state a claim for which relief may be granted.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania